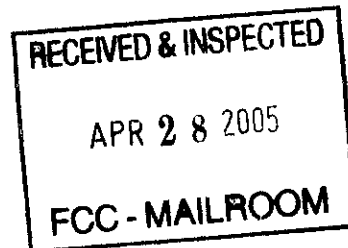


LINDA SCHRECKINGER SADLER

Attorney At Law

25801 Richmond Road
Cleveland, OH 44146
Phone: 216-831-2626
Fax: 216-831-2822
lschrecks@yahoo.com



April 22, 2005

Office of the Secretary
Federal Communications Commission
445 - 12th Street, S.W., Rm TW-204B
Washington, D.C. 20554

RE: Appeal to the Federal Communications Commission
Tuslaw Local School District, Billed Entity No. 129671

To Whom It May Concern:

Enclosed please find an appeal from a decision by the Schools and Libraries Division of the USAC relative to the school district noted above.

Enclosed are an original and five copies of the Appeal and Request for Expedited Relief. Please file the original and four of the copies and return one time-stamped copy to me in the enclosed self addressed-stamped envelope.

Please direct all communication regarding this appeal to my attention at the address noted above. Thank you for your assistance in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Linda Schreckinger Sadler".

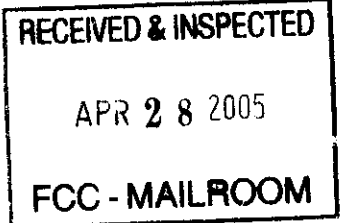
Linda Schreckinger Sadler

Encl.

No. of Copies rec'd
List / FILE

014

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)	
)	
Appeal of Decision of the)	
)	File No. SLD -
Universal Service Administrator)	
)	
By)	
)	
Tuslaw Local School District)	CC Docket No. 02-6
Massillon, OH)	
)	
)	
Federal-State Joint Board on)	
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	

Appeal and Request for Expedited Relief
on behalf of the
Tuslaw Local School District

TO: Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Appeal From the Following Funding Commitment Decision Letter

(1)	Form 471 Application Number:	399944
	Funding Year 2004:	07/01/2004-06/30/2005
	Billed Entity Number:	129671
	Date of SLD Appeal Denial:	February 23, 2005

Funding Request Number Appealed

FRN – 1104839

SLD's Reason for Funding Denial

The Funding Commitment Decision Letter ("FCDL") issued by the SLD denied funding for the above-referenced FRN for the reason that "30% or more of this FRN includes a request for Dark Fiber Service which is an ineligible product(s)/service(s) based on program rules." A timely appeal to the SLD was filed by the school district, which appeal was denied. The appeal denial made the finding that Tuslaw failed to demonstrate that the request for products/services included less than 30% ineligible services.

Statement in Support of Appeal

Tuslaw Local School District, Massillon, Ohio ("Tuslaw") seeks review of the decision by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") regarding the eligibility of service applied for under FRN 1104839.

On December 3, 2004, Tuslaw received its FCDL from the SLD. (See attached Exhibit "A"). The FCDL denied in full the funding request of FRN 1104839 for the reason that "30% or more of this FRN includes a request for Dark Fiber Service which is an ineligible product(s)/service(s) based on program rules." (See FCDL page 6). Tuslaw filed a timely appeal of the funding denial to the SLD which appeal was denied. Applicant now appeals the decision of the SLD denying funding for this aforementioned FRN. (See attached Exhibit "B")

1. The SLD applied the “30% rule” incorrectly when it denied Applicant’s request for internet access services

Block 2, Item 9 of the Form 470 (See attached Exhibit “C”) and the Line 21 Attachment of the Form 471 application (See attached Exhibit “D”) filed by Tuslaw both requested Dark Fiber products and/or services. In both applications Tuslaw made a mistake when it requested “dark fiber.” This mistake was made because of ignorance of the correct terminology for the technology necessary to implement the district’s internet access bandwidth needs. The FRN in question contained two requests: one for two (2) T1s (3mb/s of bandwidth) and the other for dark fiber. When the vendor, Massillon Cable TV, Inc., offered to provide internet access in a very cost-effective mode (bandwidth service carried over fiber), Tuslaw accepted the service. Although the Form 470 and 471 applications filed by Tuslaw asked for dark fiber, the reality is that dark fiber was never contemplated, never installed and never used by the school or the vendor to provide internet access. The service employed by Massillon Cable was delivered on lighted fiber, an eligible product under the 2004 Eligible Services List. It is evident that Tuslaw made a mistake in naming the requested product/service “Dark Fiber.”

SLD Appeals Guidelines provide four (4) circumstances when appeals can be granted by USAC.¹ Paragraph 2 of this section states: “When the appeal makes clear that the applicant made a mistake in information provided in or with the application leading to funding denial and that the SLD could have identified the mistake from information provided with the application.” This section is applicable to the circumstances of this appeal.

¹ See *USAC Appeals Guidelines*, www.sl.universalservice.org/reference/AppealsSLDGuidelines.asp

The SLD should have known from the type of service requested by Tuslaw (internet access), that Dark Fiber could not carry any data if it were in fact dark. It should have been evident to the SLD from the totality of facts including the district's technology plan, that the fiber requested was simply part of the school's internet access service. The SLD's review on appeal of the applications and documentation led to the erroneous determination that Dark Fiber Service was what was applied for. The SLD knows that there is no such thing as "Dark Fiber Service." The SLD could have, and should have, been able to discern that the information provided in the applications and documentation was a mistake by the applicant and not denied funding for the requested service.

The services sought were in compliance with the competitive bidding and cost-effectiveness requirements of the eRate program and Tuslaw should not be denied funding because of a mistake made in the information provided to the SLD. The wording on the applications was incorrect; but the actual services they intended to apply for and use are in fact eligible services. The fiber, which has been, and will remain owned by the vendor, is lighted fiber carrying internet access, clearly an eligible service under the 2004 Eligible Services List.

For these reasons the decision of the SLD should be overturned and Tuslaw Local School District should receive funding for the internet access services as applied for.

Conclusion

It is clear from the facts that Tuslaw mistakenly asked for dark fiber in its applications and documentation. It is also clear that taking this mistake only at face value led the SLD to deny funding. The SLD could have identified this mistake from the

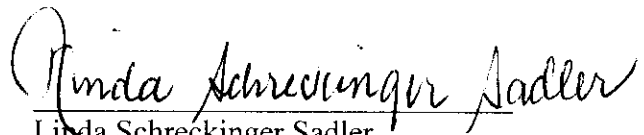
information provided by the school, but failed to do so. Instead, the SLD made erroneous assumptions based upon the language contained in the Form 470 and 471 applications and used these assumptions as grounds to deny funding to Tuslaw for eligible internet access services.

The SLD's failure to identify the mistake made by Tuslaw in identifying lighted fiber as "dark fiber" led it to wrongfully apply the "30% rule" to Tuslaw's otherwise eligible service requests contained in FRN 1104839. For this reason the SLD's decision should be overruled and Tuslaw's funding request should be granted.

Applicant hereby requests:

1. That this matter be acted upon within 90 days or less of the filing date of this appeal;
2. That the FCC order funding for the FRN set forth herein.
3. That funds be set aside to totally fund the District's request.

Respectfully submitted,



Linda Schreckinger Sadler
Attorney at Law
Ohio Bar No. 0000827
25801 Richmond Road
Cleveland, OH 44146
Phone: 216-831-2626
Fax: 216-831-2811
Email: lschrecks@yahoo.com

Exhibit A

FCDL

Exhibit A

FCDL

Funding Commitment Letter



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 - 06/30/2005)

December 3, 2004

David Ryder
TUSLAW LOCAL SCHOOL DISTRICT
11881 Orrville St
Massillon, OH 44647

Re: Form 471 Application Number: 399944
Funding Year 2004: 07/01/2004 - 06/30/2005
Billed Entity Number: 129671
Applicant's Form Identifier: 11881 Orrville St

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$18,217.06 is "Approved."
- The amount, \$7,920.00 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date

IMPORTANT REMINDERS & DEADLINES

Date: December 3, 2004
471 : 399944
BEN : 129671

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must be approved by the start of service for this funding year, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - You must be in compliance with CIPA and cannot request a waiver, if FY2004 is your Third Funding Year for the purposes of CIPA.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

RETAIN DOCUMENTATION - Applicants must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information - including more information on these reminders - is posted to the Schools and Libraries Division (SLD) web site at www.sl.universalservice.org. You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the SLD web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

of the FCDL. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on your Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The date services were reported to start for this FRN on your Form 471.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: The discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FUNDING COMMITMENT REPORT

Form 471 Application Number: 399944
Funding Request Number: 1101328 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001236 Service Provider Name: First Communications, LLC
Contract Number: MTM
Billing Account Number: 13308373511
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,344.24
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$1,344.24
Discount Percentage Approved by the SLD: 55%
Funding Commitment Decision: \$739.33 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The estimated one-time and/or monthly charge was changed to reflect the documentation provided by the applicant.

★ Funding Request Number: 1101408 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143008900 Service Provider Name: AllTel Communications
Contract Number: MTM
Billing Account Number: OE23M9D
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$839.16
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$839.16
Discount Percentage Approved by the SLD: 55%
Funding Commitment Decision: \$461.54 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The estimated one-time and/or monthly charge was changed to reflect the documentation provided by the applicant.

Funding Request Number: 1101530 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001688 Service Provider Name: SBC Ohio
Contract Number: MTM
Billing Account Number: 33083735115316
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$8,984.52
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$8,984.52
Discount Percentage Approved by the SLD: 55%
Funding Commitment Decision: \$4,941.49 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The estimated one-time and/or monthly charge was changed to reflect the documentation provided by the applicant.

Funding Request Number: 1104838 Funding Status: Funded
Services Ordered: Internet Access
SPIN: 143022768 Service Provider Name: Stark/Portage Area Computer Con
Contract Number: N/A
Billing Account Number: 330-837-7813
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$9,954.00
Pre-discount Amount: \$9,954.00
Discount Percentage Approved by the SLD: 55%
Funding Commitment Decision: \$5,474.70 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The estimated one-time and/or monthly charge was changed to reflect the documentation provided by the applicant.

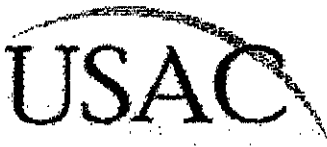
FUNDING COMMITMENT REPORT

Not Funded
Form 471 Application Number: 399944
Funding Request Number: 1104839 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143005322
Contract Number: MTM Service Provider Name: Massillon Cable TV, Inc.
Billing Account Number: 01432103-1
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$14,400.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$14,400.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Inel. svcs. / or product(s)
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for Dark Fiber Service which is an ineligible product(s)/service(s) based on program rules.

Funding Request Number: 1104840 Funding Status: Funded
Services Ordered: Internet Access
SPIN: 143001688 Service Provider Name: SBC Ohio
Contract Number: MTM
Billing Account Number: 330-837-3511 5316
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$6,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$6,000.00
Discount Percentage Approved by the SLD: 55%
Funding Commitment Decision: \$3,300.00 - FRN approved as submitted

Funding Request Number: 1104851 Funding Status: Funded
Services Ordered: Internet Access
SPIN: 143001688 Service Provider Name: SBC Ohio
Contract Number: MTM
Billing Account Number: 330 R93-1430 931 1
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$6,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$6,000.00
Discount Percentage Approved by the SLD: 55%
Funding Commitment Decision: \$3,300.00 - FRN approved as submitted

Exhibit B
SLD Appeal Decision



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

February 23, 2005

David Ryder
Tuslaw Local Schools
11881 Orrville Street
Massillon, OH 44647

Re: Applicant Name: TUSLAW LOCAL SCHOOL DISTRICT
Billed Entity Number: 129671
Form 471 Application Number: 399944
Funding Request Number(s): 1104839
Your Correspondence Dated: December 17, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1104839
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to deny funding because 30% or more of the FRN is a request for ineligible Dark Fiber Service. You include a quote from the SLD website that states that dark fiber "is not eligible for funding." However, you assert that Dark Fiber Service should be eligible and include additional quotes from the SLD website as support.
- After thorough review of the appeal, relevant facts and documentation, it has been determined that you requested funds for Dark Fiber Service. Your Item 21 and the Item 21 clarification that you sent to SLD show that the request is for Dark Fiber Service. You also sent a bill from the service provider that shows that the cost of this Fiber Service is \$1,200 per month. Therefore, the Item 21, Item 21 clarification and the service provider's bill show that 100% of FRN 1104839 is for

Dark Fiber Service. As you mentioned in your appeal letter, the FCC has not resolved whether unlit Dark Fiber is a telecommunications service. Pending resolution of this issue, Dark Fiber Service is not eligible for funding for Fund Year 2004 and later years. According to program rules, applicants may only seek support for eligible services. The instructions for the FCC Form 471 clearly state the following: The applicant may not seek support for ineligible services, entities, and uses. You have failed to provide evidence that SLD has erred in its decision.

- Your Form 471 application included costs for the following ineligible services: Dark Fiber Service. FCC rules provide that discounts may be approved only for eligible services. 47 C.F.R. §§ 54.502, 54.503. The USAC web site contains a list of eligible services. See the web site, www.sl.universalservice.org, Eligible Services List. FCC rules require that if 30% or more of an applicant's funding request includes ineligible services, the funding request must be denied. 47 C.F.R. § 54.504(c)(1). 100% of your funding request was for ineligible services. Therefore, your funding request was denied. You did not demonstrate in your appeal that your request included less than 30% for ineligible services. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit C
Form 470

FORM 470

470**Schools and Libraries Universal Service
Description of Services Requested
and Certification Form**

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 585590000478370
Applicant's Form Identifier: 1723
Application Status: CERTIFIED
Posting Date: 12/08/2003
Allowable Contract Date: 01/05/2004
Certification Received Date: 12/08/2003

1. Name of Applicant: TUSLAW LOCAL SCHOOL DISTRICT		
2. Funding Year: 07/01/2004 - 06/30/2005		3. Your Entity Number 129671
4a. Applicant's Street Address, P.O.Box, or Route Number 1723 MANCHESTER AVE NW		
City MASSILLON	State OH	Zip Code 44647-8624
b. Telephone number (330) 837- 7813		c. Fax number (330) 837- 7804
d. E-mail Address		
5. Type Of Applicant <input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library) <input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)		
6a. Contact Person's Name: David Ryder		
First, fill in every item of the Contact Person's information below that is different from item 4, above. Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)		
6b. Street Address, P.O.Box, or Route Number <input checked="" type="checkbox"/> 11881 Orrville St		
City Massillon	State OH	Zip Code 44647

6c. Telephone Number	(330) 837- 7811
6d. Fax Number	(330) 837- 7816
6e. E-mail Address	david.ryder@mail.sparcc.org

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. ☒ Services for which a new written contract is sought for the funding year in Item 2.

d. ☒ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

8 ☒ Telecommunications Services
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a. ☒ YES, I have an RFP. It is available on the Web at or via (check one):
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity(e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Phone lines	19 lines
Cellular Service	8 phones

9 ☒ Internet Access
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a <input checked="" type="checkbox"/> YES , I have an RFP. It is available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input checked="" type="checkbox"/> the contact listed in Item 11.	
b <input checked="" type="checkbox"/> NO , I do not have an RFP for these services.	
If you answered NO , you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Add additional lines if needed.	
Service or Function:	Quantity and/or Capacity:
T1 lines for internet service	2 T1 lines
Dark Fiber Connections	3 sets connecting all 4 district buildings

10 <input checked="" type="checkbox"/> Internal Connections <i>Do you have a Request for Proposal (RFP) that specifies the services you are seeking?</i>	
a <input checked="" type="checkbox"/> YES , I have an RFP. It is available on the Web at or via (check one): <input type="checkbox"/> the Contact Person in Item 6 or <input checked="" type="checkbox"/> the contact listed in Item 11.	
b <input checked="" type="checkbox"/> NO , I do not have an RFP for these services.	
If you answered NO , you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Add additional lines if needed.	

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name: David Ryder	Title: Principal/Technology Coordinator
Telephone number (330) 837 - 7811	
Fax number (330) 837 - 7816	
E-mail Address david.ryder@mail.sparcc.org	

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.
State of Ohio requires 25 days before any contract can be signed with an open bid.

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

Block 3: Technology Assessment

14. ☒ **Basic telephone service only:** If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is **ONLY** for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (a,b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☒ Individual school or single-site library.

b. ☒ Statewide application for (enter 2-letter state code) OH representing (check all that apply):

- ☒ All public schools/districts in the state:
- ☒ All non-public schools in the state:
- ☒ All libraries in the state:

If your statewide application includes **INELIGIBLE** entities, check here. ☒ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	4
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
330	837

If your application includes INELIGIBLE entities, check here. ☒ If checked, complete Item 18.

17. Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number
TUSLAW LOCAL SCHOOL DISTRICT	129671

18. Ineligible Participating Entities

Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity	Area Code	Prefix
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Block 5: Certification and Signature**19. The applicant includes: (Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☒ individual technology plans for using the services requested in the application, and/or
- b. ☒ higher-level technology plans for using the services requested in the application, or
- c. ☒ no technology plan needed; application requests basic local and/or long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☒ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein

are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 12/08/2003

27. Printed name of authorized person: DAVID RYDER

28. Title or position of authorized person: PRINCIPAL/TECHNOLOGY COORDINATOR

29a. Address of authorized person: 11881 Orrville St
City: Massillon State: OH Zip: 44647

29b. Telephone number of authorized person: (330) 837 - 7811

29c. Fax number of authorized person: (330) 8377816

29d. E-mail address number of authorized person: david.ryder@mail.sparcc.org

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100**

FCC Form 470
May 2003

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Exhibit D
Item 21 Attachment

FCC Form 471
Attachment Information
Applicant's Form 471 #399944
Billed Entity 129671
Tuslaw Local Schools
Technology Director David Ryder
330-837-7811

Attachment #1

This service is provided by Stark/Portage Area Computer Consortium. They act as our internet provider.

Attachment #2

This service provided by Massillon Cable TV Inc. They provide Tuslaw Local Schools with dark fiber that connects our 3 elementary buildings to our Jr./Sr. High School. This allows us a LAN and also allows the elementary's access to the internet.

Attachment #3

This service is provided by First Communications, Inc. This provides our district long distance phone service.

Attachment #4

This service is provided by Alltel Communications, Inc. This is provided for cellular phones. We currently have 3 cell phones. We have listed two phones as being e-rate eligible.

Attachment #5

This service is provided by SBC. This is our local phone service.

Attachment #6

This service is provided by SBC. This is one of our two T1 lines for internet connection.

Attachment #7

This service is provided by SBC. This is one of our two T1 lines for internet connection.